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Attorneys for Defendant  
JUSTIN GRAY

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JUSTIN GRAY,

Defendant.

)  
) **Case No. 1:20-cr-00238-JLT-SKO**

)  
) **STIPULATION TO MODIFY**  
) **MOTION SCHEDULE; ORDER**

Following the Order Granting Mr. Gray's Motion for Severance (Doc. 1340), which directs counsel to meet and confer and "identify a convenient trial date and . . . propose a schedule of dates for the pretrial activities," counsel for Justin Gray and counsel for the government submit the following proposed schedule<sup>1</sup>:

**I. TRIAL DATE**

Counsel request the trial be set for September 23, 2025.

**II. SCHEDULING ORDER.**

A. Recordings/transcripts to be offered in the government case-in-chief:

1. For recordings/transcripts already produced: 75 days before trial.

2. For recordings/transcripts not yet produced:

a. Under a protective order restricting access only to the attorneys/defense team: 70 days before trial.

b. Access by Mr. Gray: 45 days before trial.

B. Disclosure of government experts: Rule 16 notice: 75 days before trial.

C. Notice of any uncharged misconduct evidence that the government intends to use, as required by Fed. R. Evid. 404(b): 90 days before trial.

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<sup>1</sup> **Error! Main Document Only.** This request for a trial date and a scheduling order is based upon the premise that the RICO conspiracy trial in this matter, involving the majority of the remaining indicted defendants and scheduled for January 14, 2025, goes forward on that date. Should the main trial be continued, or the schedule for that trial be changed in a significant way, the dates for Mr. Gray's trial and pretrial schedule will have to be adjusted.

- 1 D. Statements the government intends to offer under Fed. R. Evid. 801(d)(2)(E):
- 2 1. Under a protective order restricting access only to the attorneys/defense
- 3 team: 70 days before trial.
- 4
- 5 2. Access by Mr. Gray: 45 days before trial.
- 6 E. Any Jencks Act/Giglio materials:
- 7 1. Under a protective order restricting access only to the attorneys/defense
- 8 team: 70 days before trial.
- 9
- 10 2. Access by Mr. Gray: 45 days before trial.
- 11 F. Witnesses to be called by the government in its case-in-chief:
- 12 1. Informal preliminary witness list: 70 days before trial.
- 13
- 14 2. Finalized witness list: 45 days before trial.
- 15
- 16 3. Any modifications to the finalized witness list to account for the
- 17 information contained in Mr. Gray's list: 15 days before trial.
- 18 G. Exhibits to be introduced by the government in its case-in-chief:
- 19 1. Informal preliminary exhibit list: 60 days before trial.
- 20
- 21 2. Finalized exhibit list: 45 days before trial.
- 22 H. Jointly proposed juror questionnaire: 75 days before trial.
- 23 I. Daubert Motions:
- 24 1. Defense: 45 days before trial.
- 25
- 26 2. Government: 30 days before trial.
- 27 J. Substantive non-Daubert Motions: 45 days before trial.
- 28

K. Motions in limine:

1. Filing: 45 days before trial.
2. Opposition: 30 days before trial.
3. Hearing: September 8, 2024.

L. Proposed voir dire questions, jury instructions, and verdict forms for both parties:  
30 days before trial.

M. Defense witness and exhibit lists: 30 days before trial.

N. Defense experts:

1. Informal notification, along with topics upon which the witness will testify:  
60 days before trial.
2. Rule 16 notice: 45 days before trial.

O. Government's Proposed Protective order to be produced to the defense: at least 90  
days before trial.

IT IS SO STIPULATED.

DATED: November 7, 2024

*/s/ James S. Thomson*

*/s/ Timothy J. Foley*

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JAMES J. THOMSON  
TIMOTHY J. FOLEY  
Attorneys for JUSTIN GRAY

DATED: November 7, 2024

PHILLIP A. TALBERT  
United States Attorney

*/s/ Stephanie M. Stokman*

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STEPHANIE M. STOKMAN  
Assistant United States Attorney

**ORDER**

The Court notes that this schedule presumes the joint trial proceeds in January 2025. The parties contend that if that trial does not go forward as scheduled, that Mr. Gray's trial/schedule will have to be adjusted. The Court is not convinced of this. The Court has made no promise, nor does it, that the joint trial will proceed first. With that understanding, the Court **ORDERS** the schedule proposed by the parties into effect.

IT IS SO ORDERED.

Dated: **November 7, 2024**

  
UNITED STATES DISTRICT JUDGE